

HOUSE BILL 2162

By Farmer

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 14, relative to district public defenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 14, Part 1, is amended by adding the following as a new section:

(a) The district public defenders conference shall establish, and the executive director shall operate, an appellate division for the purpose of representing indigent persons in the Tennessee court of criminal appeals and Tennessee supreme court.

(b) The executive director, or the director's designee, shall be the director of the appellate division.

(c) The appellate division shall represent indigent persons upon appeal from the circuit or criminal courts of this state. The appellate division may refuse the appointments if:

(1) The appellate division has a conflict of interest;

(2) The executive director determines that the appellate division's existing caseload cannot be increased without jeopardizing the appellate division's ability to provide effective representation; or

(3) The appellate division does not handle the type of case appointed in accordance with subdivision (d)(1).

(d) To use the appellate division's resources in the most effective and efficient manner, the executive director may:

(1) Restrict the provision of appellate representation to certain types of cases; or

(2) Select and employ staff attorneys to perform the duties prescribed by this section.

(e) The appellate division shall maintain records of representation of indigent persons for record purposes only.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.